

SCHEDULE 2

article 6(2)

BENEFITS RELEVANT TO QUALIFYING ACTION

1. In this Schedule—

“the 1992 Act” means the Social Security Contributions and Benefits Act 1992(1);

“the 1983 Order” means the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 1983(2); and

“the 1983 Scheme” means the Personal Injuries (Civilians) Scheme 1983(3).

2. The benefits relevant for the purposes of articles 6 and 10 are—

(a) council tax benefit(4);

(b) housing benefit;

(c) income support;

(d) an income-based jobseeker’s allowance within the meaning of the Jobseekers Act 1995(5);

(e) an attendance allowance, that is to say—

(i) an attendance allowance under section 64 (entitlement) of the 1992 Act;

(ii) an increase of an allowance which is payable in respect of constant attendance under a scheme under, or having effect under, paragraph 4 of Part I of Schedule 8 to the 1992 Act;

(iii) a payment made under article 14, 15, 16, 43 or 44 of the 1983 Scheme or any analogous payment;

(iv) any payment based on need for attendance which is paid with a war disablement pension; or

(v) any payment intended to compensate for the non-payment of a payment, allowance or pension mentioned in any of paragraphs (i) to (iv) of this sub-paragraph;

(f) a disability living allowance under section 71 (disability living allowance) of the 1992 Act;

(g) working families tax credit or disabled persons tax credit(6);

(h) a war disablement pension within the meaning of section 139 (arrangements for council tax benefits) of the Social Security Administration Act 1992(7) or under article 10 of the 1983 Order(8), so far as that Order is made otherwise than under the Air Force (Constitution) Act 1917(9), together with—

(i) a mobility supplement under article 26A of the 1983 Order(10) (including such a supplement payable by virtue of the application of that article by any other scheme or order) or under article 25A of the 1983 Scheme (including that article as applied

(1) 1992 c. 4.

(2) S.I.1983/883; amendments relevant to this Order are noted below.

(3) See section 5 of the Industrial Injuries and Diseases (Old Cases) Act 1975 (c. 16) which was repealed, with savings, by the Social Security (Consequential Provisions) Act 1992 (c. 6).

(4) Council tax benefit, housing benefit and income support are provided for in Part VII (income-related benefits) of the Social Security (Consequential Provisions) Act 1992 (c. 6).

(5) 1995 c. 18. For the definition of “an income-based jobseeker’s allowance”, see section 1(4).

(6) Provided for in Part VII of the Social Security Contributions and Benefits Act 1992, as amended by the Tax Credits Act 1999 (c. 10).

(7) 1992 c. 5.

(8) Article 10 was amended by S.I. 1993/598 and 1996/1638.

(9) 7 & 8 Geo.5 c. 51.

(10) Article 26A was inserted by S.I. 1983/116 and amended by S.I. 1983/1521, 1986/592, 1990/1308, 1991/766, 1992/710, 1995/766, 1997/766 and 2001/409.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The Electricity and Gas (Energy Efficiency Obligations) Order 2001 No. 4011

- by article 48A of that Scheme)(11), or a payment intended to compensate for the non-payment of such a supplement, or
- (ii) a payment under regulations made under paragraph 7(2)(b) of Schedule 8 to the 1992 Act (constant attendance allowance); and
 - (i) industrial injuries disablement benefit under sections 103 to 105 of the 1992 Act where it includes constant attendance allowance.

(11) Article 25A was inserted by S.I. 1983/1164 and amended by S.I. 1983/1540, 1986/628, 1900/1300, 1991/708, 1992/702 and 1995/455.